

Remarks/Arguments:

In view of the above amendments and following remarks, further consideration of the present application is respectfully requested.

It is noted that claims 1, 20, 21 and 24-29 have been amended and claims 32-49 have been newly added. Accordingly, claims 1, 20, 21, 24-29 and 32-49 are currently pending in this application. It is submitted that no new matter has been added. Moreover, it is noted that each of claims 1, 20, 21, 24-29 and 32-49 has been drafted and/or amended so as to avoid being interpreted as a means-plus-function claim under 35 U.S.C. 112, sixth paragraph.

The Examiner has rejected claims 1, 20, 21 and 24-29 under 35 U.S.C. 103(a) as being unpatentable over Lane et al. (USPN: 5,377,051) in view of Clapp et al. (USPN: 4,562,466) for the reasons contained in paragraph 4 on pages 2-5 of the Office Action.

The Applicants would like to thank Examiner Allen Wong for conducting a personal interview with the Applicants' representatives on July 19, 2005 at the United States Patent and Trademark Office. During the personal interview, the Applicants' representatives presented arguments traversing the aforementioned prior art rejection and distinguishing each of independent claims 1, 20, 21 and 24-29 over the prior art references relied upon by the Examiner. As reflected on the interview summary (form PTOL-413), an agreement was reached that the Examiner would allow claims 1, 20, 21 and 24-29 if these claims were amended to include the limitation "wherein each priority identifier is used by the picture decoding apparatus to determine whether each picture should be processed or not be processed according to a processing load (or a processing capacity) of the picture decoding apparatus, and each priority identifier is used independently of picture identifiers and independently of whether the picture is an I, P or B picture."

Accordingly, without intending to acquiesce to the Examiner's aforementioned prior art rejection and in order to expedite allowance of this application, the Applicants have amended each of independent claims 1, 20, 21 and 24-29 in the manner agreed upon so as to more clearly distinguish the present invention over the prior art references of record in the present application. Accordingly, it is submitted that each of independent claims 1, 20, 21 and 24-29 is

allowable as agreed upon during the personal interview. Provided next is a "Substance of the Interview" which provides a summary of the arguments presented during the personal interview.

First, it is noted that the Examiner has relied on column 25 (line 54) – column 26 (line 40) of the Lane et al. reference for allegedly disclosing a system in which a priority identifier of a picture is independent of the picture identifier, as recited in each of independent claims 1, 20, 21 and 24-29 of the present application.

The Applicants respectfully disagree with the Examiner's aforementioned assertion. As particularly shown in the Table found in column 26 of the Lane et al. reference, priority levels 1-8 are assigned based on, and dependent upon, the particular type of picture identifier. For example, priority Level 3 is assigned to the DC coefficients of the DCT for I-frames and priority level 5 is assigned to the DC coefficients of the DCT for P-frames which correct the predicted frame and improve image quality. Moreover, the reason why the priority levels in the Lane et al. system are assigned based on the picture identifiers is that the priority levels are assigned based on the data's utility for generating a recognizable image or portion of an image during trick play operation [see column 25 (lines 62-66)]. Accordingly, it is submitted that, contrary to the presently claimed invention, the priority identifiers (i.e., levels) of pictures in the Lane et al. system are in fact dependent on the picture identifiers (i.e., frame type).

Thus, the Applicants submit that the references relied upon by the Examiner, either taken alone or in combination, clearly fail to disclose or suggest priority identifiers which are independent of the picture identifiers, as recited in each of independent claims 1, 20, 21 and 24-29 of the present application.

Next, in connection with claim 1, the Examiner has asserted that the Lane et al. reference does not disclose the limitation of "*to determine whether each picture should be processed or not be processed by the picture decoding means according to a processing capacity of the picture decoding apparatus.*" [see page 4 of the Office Action]. Accordingly, the Examiner has relied on column 8 (line 56) to column 9 (line 39) of the Clapp et al. reference for allegedly disclosing this claim limitation missing from the Lane et al. reference.

However, it is initially noted that the aforementioned claim limitation has been

improperly taken out of context and that claim 1 actually read as follows, "wherein said priority identifier is used to determine whether each picture should be processed or not processed by the picture decoding means according to a processing capacity of the picture decoding apparatus. [emphasis added]"

It is submitted that the Clapp et al. reference fails to disclose or suggest this claim limitation. In particular, it is noted that the Clapp et al. reference merely discloses the repeating and discarding of data to maintain an appropriate time between data entering an encoder buffer storage 33 and leaving a decoder buffer storage 43 to prevent a buffer underflow/overflow situation [see Fig. 5, column 7 (lines 49-58) and column 8 (lines 33-39)]. Thus, not only does the Clapp et al. reference fail to disclose or suggest a priority identifier, but it also fails to disclose or suggest the use of a priority identifier to determine whether each picture should be processed or not processed by the picture decoding apparatus according to a processing capacity of the picture decoding apparatus, as recited in claim 1 and as similarly recited in each of independent claims 20, 21 and 24-29 of the present application.

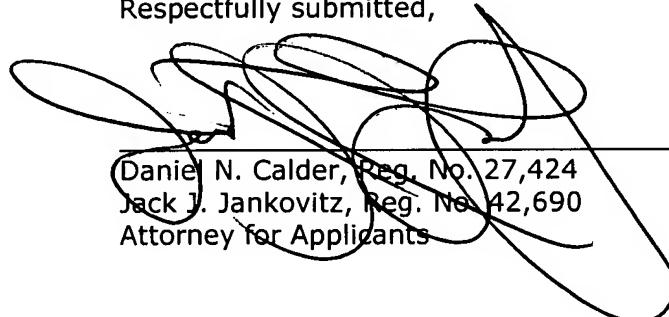
Notwithstanding the aforementioned distinctions between the claims of the present application and the prior art relied upon by the Examiner, by this Amendment the Applicants have amended each of independent claims 1, 20, 21 and 24-29 in the manner agreed upon during the personal interview in order to clarify the aforementioned distinctions and expedite allowance of this application.

Accordingly, it is submitted that the reference of record, taken either alone or in combination, fail to disclose or suggest the features of the present invention as now clearly claimed in each of newly amended independent claims 1, 20, 21 and 24-29 of the present application.

In view of the foregoing, it is submitted that the present invention, as recited in each of independent claims 1, 20, 21 and 24-29, as well as claims 32-49 dependent thereon, is clearly allowable and the Examiner is kindly requested to promptly pass this case to issuance.

In the event, however, that the Examiner has any comments or suggestion of a nature necessary to place this case in condition for allowance, then the Examiner is kindly requested to contact the Applicants' representatives to expedite allowance of this application.

Respectfully submitted,


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Donna M. Wellings

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